LOWRIE

# The Tendency Toward Centralization in Administration in Illinois

Political Science

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# THE TENDENCY TOWARD CENTRALIZATION IN ADMINISTRATION IN ILLINOIS

BY

SELDEN GALE LOWRIE, A.B., 1907

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THESIS

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE

DEGREE OF MASTER OF ARTS

IN

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IN THE

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CHAPTER I.

## I N T R O D U C T I O N .

The administrations of the various commonwealth governments of the United States have, of late years, presented two very marked characteristics: the development of local self-government in the larger cities in matters primarily of local interest, and the establishment of a strongly centralized administration in matters where the state has been immediately concerned. These seemingly opposing tendencies have not been at variance, but have operated, each in its sphere, to secure efficiency in government. The United States present examples of what are known as legislatively centralized and administratively decentralized governments. While the laws are framed for the entire state by a single body, representing the various sections, they have depended for their enforcement upon local administrators. In its application, this method has led to a system of checks and balances, and the enforcement of the will of the state depends upon the sentiment of the locality. The local administrators have attempted to apply the laws to "the needs of the community," and have administered them in such a manner as they saw fit. This has been particularly noticeable in the administration of the state liquor laws.

There has developed, naturally, a tendency toward state central administration. In some states the municipal officers have been appointed by the central government, and in this way the mayors of

the cities of New York were appointed by the Governor till 1821. Kansas, Massachusetts, and Pennsylvania have experimented with a state police force exercising authority over local officials.(1) In Michigan, New York, and Ohio, the Governor may remove the mayors of towns and cities for negligence in enforcing the state laws, but in Illinois the mayor or other municipal officials may only be removed by the courts.(2) Where there has been no provision for state control of local administration, the result has often been that the political parties in control of the state have sought to secure control of the municipalities as well, in order that the laws whose enactment they had secured, might be enforced. This has led to the subversion of municipal politics to those of the state and nation. That the folly of attempting to administer the larger cities directly through the state legislature has been recognized, is evidenced by the fact that six states allow their larger cities to frame their own charters.(3) The new charter granted Chicago in 1907 by the Illinois legislature, allowed greater autonomy than this city now enjoys, but this charter was rejected by the voters of Chicago. The appointing of

(1) F. H. White: "State Boards and Commissions," Political Science Quarterly, Vol. XVIII, p. 631.

(2) A. R. Hatton: "Digest of City Charters," p. 33. Compiled Stats. of Mich. 1899, Sec. 1159. N. Y. Laws, 1901, Chap. 466, Sec. 122. Ohio Laws for Municipalities, 1902, Sec. 226. Hurd's Rev. Stats. Of Illinois, 1905, Chap. 38, Sec. 208.

(3) These states are: California, Colorado, Minnesota, Missouri, Oregon, and Washington.

the justices of the peace and of the administrative boards of Lincoln and West Parks present notable examples of the interferance of the state in the internal affairs of Chicago.(1)

The early state constitutions of the United States, which have served as patterns for the others, were drawn up at a time when, with good reason, the people feared the autocracy of a strong administrative power. As the state touched the people more vitally than did the national government, there was need that precaution be taken to conserve the rights of the people. It has been seen, however, that there is a democracy of the state as well as of the city or smaller community, and that the first may be as representative of the people as the last. Led by the examples of Massachusetts and New York, other states, working largely through boards and commissions,are developing systems of state administration. It is the purpose of this study to trace the development of this centralizing tendency in Illinois. At the time Illinois undertook the responsibilities of statehood, there was a strong tendency to secure a strong centralization in administration. This was particularly noticeable in the fields of Public Education and Public Health. Opposition developed, however, and administration in these fields became decentralized. Since the adoption of the constitution of 1870, the growth has been steady, and at present reaches the proportions of a strong movement. Perhaps the greatest struggle towards this efficient form of government has been in the field

(1) Constitution of Illinois, Art. VI, Sec. 28.
Illinois Blue Book, 1905, p. 532.

of Public Education, which will be given first attention. The exercise of the police powers of the state, operating for the protection of the public health, will be next considered, and, lastly, the powers of miscellaneous boards and commissions.

## CHAPTER II.

## PUBLIC EDUCATION.

Among the first public institutions founded in Illinois were the public schools. The first government established over the territory after the Revolution recognized the duty of the state to provide educational facilities, and Article III of the Ordinance of 1787, for the government of the Northwest Territory, includes this statement: "Religion, morality, and knowledge, being necessary for the good government and happiness of mankind, schools and the means of education shall forever be encouraged." In the government survey of the land ceded by Virginia in 1785, provision for the financing of schools in the territory was made by the setting aside of Section sixteen in each township to be used for school purposes. This appropriation was confirmed when Illinois was admitted to the Union in 1818, and an entire township was given by the national government for the support of a college or seminary. In addition to this, three per cent of the proceeds of the sale of public land within the state was set aside for the cause of education.

The possession of this school fund given by the National Government seems to have been the most influential factor in awakening the state to a realization of its duty toward public education. Nevertheless the difficulties attendant upon establishing the state government in this frontier region prevented very elaborate provision for public schools, and the sparseness of the population would have rendered such legislation, at any event, of but little avail. The first legislature in 1819 made provision for leasing

the school lands and took steps to prevent their being robbed of timber.(1) Two academies were incorporated, one at Edwardsville, called Madison Academy, and one at Carlyle, called Washington Academy.(2) These were semi-public in character, as it was provided that the trustees of the academies should be the same as those of the towns, and that poor children should be given gratuitous tuition. No discrimination was to be practised against the choice of any teacher or trustee or the admission of any pupil because of religion, and as soon as the funds should permit, an institution was to be established for the education of females. Two years later the second legislature provided for their acceptance of a hundred lots in Alton (now Upper Alton) "for gospel and school purposes," for the division of certain school funds in Monroe County, and for the encouragement of learning in White County.(3) Various religious bodies were given special grants or leases of school lands for the establishment of schools and the desire for educational facilities developed so rapidly that by 1825 a free school law was passed, known as the Duncan School Law.(4) A system of district schools was provided for, and the legal voters of the districts, in assembly at the annual meeting, might vote taxes upon the property of the district, not exceeding one-half per cent or amounting to more than

(1) Laws of 1819, p. 108.

(2) Laws of 1819, p. 48, 368.

(3) Laws of 1812, p. 39, 70, 154.

(4) Laws of 1825, p. 121.

ten dollars on any one person. Payment of taxes might be in produce, or if the assessment was for the construction or repair of a school house, in labor. For these schools the state agreed to appropriate two dollars out of every hundred dollars received into the state treasury, and also five sixths of the interest on the school fund.(1) This money was to be divided among the counties of the state in proportion to the number of white children in each county under twenty-one. No division was to be made before the next census. The county treasurers were to pay the districts their portion of the allotment unless they had failed to maintain school for three months of the year. The rents of the school lands in the townships were to be divided as a rebate among those who had contributed to the support of the schools by taxes. The clerk of the county commissioners was to make an abstract of the reports of the trustee of each district, giving the number of children, the number in attendance at school, and the length of time school had been kept open, and forward it to the Secretary of State by December first of each year.

It was provided that there should be at least one common school established in each county of the state, which should be open and free to every class of white citizens between the ages of five and twenty-one, and that citizens over twenty-one might be admitted on such terms as the trustees of the district might designate. In this law there was, however, a provision which showed that the people of the state were not yet willing to accept the doctrine of

(1) Laws of 1825, p. 125.

free schools in its entirety. The expense of the erection of the school houses and their maintenance was to be met partly by a tax on the property of the district, and partly by the labor of the inhabitants. Here a clause was inserted providing that no one should be compelled to work who did not have the care of a child between the ages of five and twenty-one. This indicates that there was still a belief that those who had children to be educated should bear the greater part of the expense of education.

But the most interesting feature of the bill from the administrative standpoint is the provision made for supervision by the state officials. Here we notice the operation of the most potent influence there has been in any of the states to secure centralized administration in the school system: the use of public funds, controlled by the state, for the support of the public schools. No other element has operated so strongly as that of state aid to induce the common schools of Illinois to comply with the regulations of a centralized administration. While it might have been possible to make laws and enforce them, which would have brought practically the same results, this could hardly have been done so economically or with so little friction as it has been accomplished through a judicious appropriation of the public school funds. By this means the trustees of the school districts have been induced to maintain schools for longer periods, and the county and district authorities have been compelled to keep more careful records and return truer reports to the state officials. In this first statute of 1825 it was provided that no district should receive a part of the state funds which had not maintained school for at least three months,

and it was also provided that reports should be sent from each district to the county clerk and from there to the Secretary of State.

The great advance which had been made by the Fourth General Assembly in the enactment of the free school law was in a great measure lost by the bill passed by the succeeding legislature to the effect that when the voters of any district so elected, but half of the sum necessary to maintain the school of the district should be raised by taxation; and by a further provision that no person should be taxed for the support of the schools without his consent. In 1829 the legislature deprived the schools still further of the benefits provided by the Duncan Law, in repealing the section granting the schools two per cent of the net revenue of the state. The schools were thus made practically voluntary unions, dependant upon subscriptions and remained so until 1855.

The legislature of 1829 hindered still further the development of a strongly financed and centrally administered school system by providing for the disposal of the lands and funds given by the central government. The seminary fund was borrowed by the state, and the seminary township directed sold. Permission was asked of Congress to sell the school lands when nine-tenths of the male white inhabitants of the township requested the sale, and two years later it was taken for granted that Congress would impose no objections and the sale of the lands was authorized on petition of three-fourths of the male white inhabitants in townships containing at least fifty white people.

The agitation for the re-establishment of a free school system in Illinois began as soon as the law of 1827 had annulled the free

school feature of the Duncan school law. The first step was taken by the General Assembly in 1845 when the school laws were revised; and it was provided that a district by a two-thirds vote might raise taxes at the rate of not more than fifty cents on the $100.00 for the building of a school house, and not more than fifteen cents on the $100.00, in addition, for current expenses.(1) The law of 1859 provided that the district, by a majority vote, might place a tax not to exceed twenty-five cents on the $100.00 for schools, and that this amount might reach $500.00 if needed for building purposes. In incorporated towns the limit of taxation was placed at fifty cents on the $100.00 and $1000.00 as the maximum amount to be raised.(2)

The progress of the free school movement was contested bitterly at every stage, and free schools were again secured in the law of 1857 only by virtue of the provision whereby the larger and less prosperous counties received a larger portion of the funds raised by school taxes than they contributed. Free schools were to be maintained in each district for six months each year, and taxes for their support were to be collected as state taxes and distributed two-thirds in proportion to the size of the County.(3) Thus the counties were there had been the most violent opposition to the free school system were given the greater portion of the school funds.(4) In the first year of its operation Cook County paid $65,150.00 in taxes and received $29,185.00; while Williamson County

(1) Laws of 1845, p. 72.

(2) Laws of 1859, p. 177.

(3) Laws of 1857, p. 288.

(4) Annulled.

paid $1,737.00 and received $4,917.00.[1] The directors might raise, in addition, a sum not to exceed $1,000.00, by taxation, for the erection of a school house; and the people might vote a larger levy. By the present school law, passed in 1889, the schools are supported by a two mill tax on each dollar's valuation of property in the state, and this fund is divided as is the Common School fund.[2] In addition to this, the schools receive such funds as the district, village, or cities may vote.

## THE SCHOOL FUNDS.

Mention has already been made of the important part these state controlled funds exercised in bringing about a uniform and centralized system of schools. Had proper care been taken of these school funds, they would now amount to an enormous figure, but there was a constant temptation to dissipate them, and it is not surprising that legislators yielded to the demands of their constituents and sacrificed future benefits to the schools for more immediate purposes. The public school funds consist first of what is known as the "Township Fund." This first originated in the grant, before referred to, of section sixteen in each township. The second session of the General Assembly enacted that the County Commissioners of each county appoint three free holders to divide the section into lots ranging in size from forty to one hundred sixty acres, to reserve one lot for timber purposes, and to lease

(1) W. L. Pillsbury: "Early Education in Illinois." Illinois School Reports, Vol. 16, p. CXCll.

(2) Illinois School Law, Art. Xll, Sec. 1.

the rest. At the next two sessions of the legislature provision was made for the sale of this land, as we have seen. The commissioners were to sell the lands at public sale, for cash, at not less than their valuation, and a minimum price of $1.25 per acre was set. When the office of county school commissioner was created in 1841, the matter of selling the township lands was placed in his hands.(1)

Laws have been passed from time to time providing for the loaning of the fund, and in 1831 special provision was made for the loaning of amounts up to $200.00 for the erection of school houses. This township fund was at first distributed to the schools of the township in proportion to the number of days of school taught, but since 1872 the appropriation has been in proportion to the number of persons under twenty-one.(2)

The School Fund Proper arises out of the grant of three per cent of the net proceeds of the sale of public lands in the state. One-sixth of this fund must "be exclusively bestowed on a college or university," and the rest has been given for the support of the common schools. This fund has been borrowed by the state, and draws interest annually at six per cent. This interest is divided among the counties on the basis of the number of persons under twenty-one years of age, as shown by the United States census. The value of this fund is $613,362.66.(3)

The Surplus Revenue Fund has its origin in an Act of Congress passed during Jackson's administration, providing that the five

(1) Laws of 1851, p. 262.

(2) Laws of 1872, p. 712.

(3) Illinois School Report 1904-6, p. 164.

millions of surplus in the federal treasury should be deposited with the various states until such a time as the national government should choose to call for it. The amount deposited with Illinois was $477,919.24. It was intended by the legislators that this money should be used for the payment of the sums the state had borrowed from the school fund, and that the balance should be used for internal improvements; but what was done, in fact, was to use the money for state purposes and credit the school fund with an amount equal to that already owed it by the state, some $335,592.31.(1) By this peculiar method of bookkeeping, the records instead of showing the state debt to the school fund as paid, show it as doubled. While this money is but loaned the state by the federal government, it is certain that it will never be called for, and it thus constitutes a part of the permanent school funds.

An act passed in 1835 provided that unless the funds raised by local taxation or subscription were sufficient to pay one-half of the teacher's salary in any school district, its portion should be set aside and constitute the "County School Fund," and be loaned out and the money distributed in the same manner as the township funds.(2) In this way funds of greater or less magnitude accrued in some seventy of the counties of the state. In some counties these funds were augmented by the sale of swamp lands.

An Act of Congress of 1804 created three land offices in Indiana Territory, one at Detroit, one at Vincennes, and one at Kaskaskia, and in each district one township was given for the support of a seminary. Illinois received one of these townships,

(1) Ills. School Report 1904-6, p.164.

(2) Laws of 1835,p.24.

and in the enabling act of 1818 a second township was given for the same purpose. The school law of 1825 provided that the Governor, the Secretary of State, and the State Auditor should be commissioners of the school fund, and a law of 1829 provided that these seventy-two sections be advertised for sale by the Auditor and sold to the highest bidder, for cash, at not less than $1.25 per acre. The Governor was authorized to borrow these proceeds for the use of the state, and interest should be compounded at six per cent. Scarcely any of the tracts thus sold brought more than the minimum price, and the total amount realized was less than $60,000. From 1836 to 1857 the income from this sum was distributed among the common schools, and the amount so "borrowed" has never been replaced. This is what is known as the Seminary Fund.

What is known as the College Fund is derived from the one-sixth of the three per cent of the net proceeds of the sale of public land within the state as provided in the enabling act of 1818.(1) This amount now reaches $156,613.32.

In 1850 Congress gave the states "certain swamp lands" formed from the public domain, and of these Illinois received about 1,500,000 acres. In 1852 the General Assembly gave these lands to the counties to be used for drainage purposes, but the county courts were not to dispose of more land than was necessary for these purposes, and such lands as remained after the work of drainage had been completed were to go to the counties and townships, to be disposed of by the school commissioners in the same way as is the township fund.(2) But any county was permitted to use these

(1) Illinois School Reports, 1904-6, p. 164.
(2) Laws of 1852, p. 178.

funds for roads, bridges, or internal improvements. About $600,000 was added to the school fund in this way.

There was another source of slight revenue which had been provided by an act of the legislature in 1831 whereby any grant which had been made for the erection of a church, school, or seminary but which had become perverted or abandoned by the donees, should be sold by order of the county commissioners and the proceeds used for education in the county.(1)

In 1855 a tax of two mills was placed on all taxable property of the state,(2) and some revenue accrues from fines and penalties which are assessed in circuit courtsand justice courts except those of cities and incorporated towns. This law is still operative, but in recent years each legislature has voted a specified sum in lieu of this tax.

## STATE SUPERVISION.

The school law of 1825 provided that the State Auditor and the Secretary of State should, under the direction of the Governor, be commissioners of the school fund, together with all money for the use of a seminary or schools which might be granted by any act of Congress, and that such school and seminary funds should be applied by them for such purposes as should be designated by law.(3) It was further provided that the clerk of the county commissioners should make an abstract of the reports of the trustees of each school

(1) Laws of 1831, p. 73.

(2) Laws of 1855, p. 77.

(1) Laws of 1825, p.319.

district, stating he number of children, the time during which school was actually kept in each district, and the expense of each school, and forward it to the Secretary of State by December first of each year. Amendments to the school law, passed in 1837, provided that the school trustees should report to the State Auditor the amount of township funds on hand, the interest received from them, the amount of interest received from the County Commissioners, the amount expended for school purposes, and how it was spent.(1)

With the growth in the number of common schools there came the realization that it would be highly desirable, if not essential, that there should be an official head to the Illinois system of public schools. In October, 1844, a convention met in Peoria and memorialized the legislature to create the office of Superintendent of Public Instruction, who should have power to examine the teachers of the state and grant them state certificates enabling them to teach any place in the state; and to establish an office of County Superintendent of Schools.(2) The scheme outlined in regard to the organization of schools in townships and districts was not unlike that now in vogue.

A bill was introduced into the General Assembly at the next session, embodying the essential features of the memorial, and while it was subjected to rather serious modifications, the Secretary of State was made ex officio Superintendent of Public Instruction, and in addition to the other duties which are at present attributed to that office, he was given power to recommend text books, charts, maps and apparatus.(3) He was obliged to receive, arrange, and file

(1) Laws of 1837, p. 319.
(2) W. L. Pillsbury: "Early Education in Illinois." Illinois School Report 1885-6, p. CXC11.
(3) Laws of 1845, p. 52.

all official documents, subject to the investigation of the Governor or a committee of the legislature, to have care of and supervise all the common and public schools of the state, and be official advisor of the County Superintendents. He was empowered to make such rules and regulations as he should judge necessary for carrying out the state school law, and it was his duty to explain and interpret the law to all county superintendents, directors, and other school officials. His decision was to be final unless the legislature directed otherwise, or his judgment should be reviewed by a court of competent jurisdiction. He might withhold the state funds from school officials or teachers refusing to comply with the law, and he had appellate jurisdiction over questions of school law appealed from the county superintendents, decision being based on evidence written out and certified to by the county superintendent. He also had the power to grant teachers' certificates which might be used in any county of the state. He was required to visit every county each year, and make a bi-annual report to the legislature.

The first report of the Secretary of State, acting as Superintendent of Public Instruction, declared that the additional work imposed upon him by this office was too great and he begged to be relieved. It was not, however, until 1854 that the office was made a separate one.(1)

The present constitution which was adopted in 1870 provides that the Superintendent of Public Instruction shall be elected for

(1)
Laws of 1854, p. 13.

a term of four years and until his successor be elected and qualified; that he shall reside at the seat of government and keep the books, papers, and records of his office.(1) No age requirement is specified, but no one holding the office of Superintendant of Public Instruction is eligible for any other office. The Superintendent is liable to impeachment for misdemeanor, and in case the office is vacated, the Governor is empowered to appoint a successor to hold it until a new Superintendent has been elected. Ten days before the regular session of the State Legislature he must submit the reports of the County Superintendents to the Governor. The salary of the Superintendent is fixed by law, and may not be diminished or increased during the official term.

By the school law approved in 1889 and still in force, the State Superintendent of Public Instruction is required to execute a bond for $25,000.00 for the prompt discharge of his duties.(2)

When the office of State Superintendent of Public Instruction was created in 1845, the office of County Superintendent of Schools for each county was also established.(3) Already there was the County Commissioner of School lands, an office created in 1841, directly responsible for the management and sale of the school lands of the county. He was made ex officio County Superintendent of schools, and the duty imposed on him of visiting and advising the district trustees and the teachers on all matters pertaining to the school. The Superintendent and those he might associate

(1) Constitution of Illinois, Art. V., Sec. 1.

(2) Illinois School Law, Art. 1, Sec. 11.

(3) Laws of 1854, p. 13.

with him were to examine and grant certificates to those qualified to teach in their respective counties, and no teacher was to receive any of the school fund as a part of his salary who had not such a certificate granted by the County Superintendant or the Board of Trustees of the Township. The County Commissioner was to receive no additional salary for his services as County Superintendant. In 1865 the school law enlarged his duties and he was required to visit each school in his county at least once a year.(1) For this service he was allowed an extra compensation of from three dollars to five dollars per day for the time so spent.

He bore practically the same relation to the county as the State Superintendant does to the state. He was elected by popular vote for a term of four years, and any elector was eligible to the office. He must give bonds for the faithful performance of his duty, and was removable for neglect of duty or malfeasance. It was his duty, when properly petitioned, to sell the school lands of the county, to deliver certificates of purchase and to keep and report accounts of sales. He was entrusted with the custody of the school funds of his county, and he must apportion them in accordance with the law. He was made the advisor of all subordinate school officials and teachers, and represented them in their dealings with the state. He was to encourage and assist all county Institutes, and often was principal, ex officio. He had primary jurisdiction over questions arising under the school law. Besides the per diem compensation, he was entitled to a commission of three per cent from the sale of school lands and of real estate taken for debt, and two per cent on sums distributed, paid or loaned.

(1) Laws of 1865, p. 112.

If he neglected his duty, the State Superintendent might refuse to pay the county the allotment of school money due it, and he in turn might declare the funds due the townships forfeited if they neglected to make such reports as were required by law.

The present school law, as amended in 1890 gives the County Superintendent practically these same powers and duties, and in addition he must examine at least once a year, all books, accounts, and vouchers of every township treasurer in the county, and report irregularities to the board of trustees.(1) He must act as an auditor in general over the affairs of the township treasurer, and he has general charge of, and responsibility for, the school affairs of the county. The latter function has been productive of good results, and by this means the amount of available cash has greatly increased.

The county, the first territorial division of the state, for the purpose of school administration, is a fixed one. For the second division the township was chosen, which is also fixed and was a familiar unit at the time the state was first settled, because the state had been laid off in townships by the government surveys when Illinois was a part of the Northwest Territory; although the school townships or towns do not necessarily coincide with the lines of the old territorial survey. The third division of the state is not fixed. It is the school district, and there may be one or more of these in each township. The boundaries may be changed by the township trustees in accordance with the votes of the people of the district.

(1) Illinois School Law, Art. II, Sec. 13.

The school law of 1825 provided for the establishment of school districts by the county commissioner, but the school law of 1837 placed the township as a unit between the county and the school district.[1] By the act the trustees of each of the townships were to notify the inhabitants to assemble and vote for or against incorporation. If the township should become incorporated, an election should be held to choose trustees for the schools. The trustees were to have general superintendence of the schools of the township, make necessary rules and regulations, lay off the townships in school districts, call meetings of voters, make contracts for school houses, employ teachers, adopt by-laws for the government of schools, purchase libraries, and provide for the safe keeping of the funds. Power was also given to examine teachers wishing to teach in the township. The trustees were to appoint a treasurer who should have immediate charge of the finances, but no money was to be paid except by the order of the trustees, and the trustees might examine the treasurer's books.[2] The trustees must call meetings of the electors and give the treasurer's annual report. The board must meet at least twice a year, and no districts were to be changed except at regular meetings. This board had invested in them the title to all school houses and sites in the township, with correlative power to sell and convey. By this provision the school property was removed from fluctuating bodies of local directors, and thus hasty, ill-judged action was checked.

(1) Laws of 1825, p. 121; Laws of 1837, p. 314.

(2) This duty was conferred on County Superintendent by law of 1879, p. 292.

The trustees receive no salaries, but are exempt from military service and working the roads.

It is unfortunate that the township has not been made the smallest local unit in school administration. It certainly comprises a small enough district to secure efficient administration, and the many evils of the district system might be eliminated. The nineteen counties of the state which are not divided into townships do not, of course, have this division in school administration.

In the school law of 1825, the system of district schools was adopted which exists practically in the same way today, and stands as a relic of the most extreme decentralization of school administration in Illinois. This system had been adopted in Massachusetts in 1789, and was, as Horace Mann phrased it, "the most unfortunate law on the subject of common schools ever enacted in Massachusetts." As applied to Illinois by the law of 1825, the county commissioners were empowered to establish from time to time in their respective counties, school districts containing not less than fifteen families wherever a petition for that purpose should be presented within a contemplated district. For the government of these district schools, three trustees, one clerk, one collector, and one assessor were to be elected by the voters of the district. The trustees were to examine and employ teachers, lease the school lands belonging to the district, purchase and hold in fee simple the property of the school districts, give orders on the treasurer for all expenses, prosecute and defend suits, call the necessary meetings for the levying of taxes, and preside over such meetings.

They were to make an annual report to the County Commissioners of the number of children in the district who were of ages between five and twenty-one, and state what ones were actually sent to school; also certify the actual time school was maintained and the expense of the same.

The school districts were to constitute bodies corporate, and might sue and be sued. The clerk was to keep a record of the voters and the trustees, the treasurer was to receive all monies and pay them out upon order of the voters or the trustees, and the collector was to collect all amounts due the district and turn them over to the treasurer, except five per cent which he might deduct as payment for his services. The assessors were to assess the property of the district. Any of these officers who failed to perform his duties were subject to a fine of from five dollars to twenty dollars. The legal voters of the district, in assembly at the annual meeting should arrange for the construction of the district school house, and levy a tax not exceeding one-half per cent or amounting to more than ten dollars on any one person.

Decentralization was carried to an extreme at the next session of the General Assembly, where it was provided that eighteen children, rather than fifteen families, would be a sufficiently large number for the establishment of a school district, and that the voters, rather than the trustees, should choose the teacher. The necessity of holding examinations for teachers was dispensed with. Five or more citizens of the township might petition for a loan from the township fund,not exceeding $200, for the erec-

tion of a school house.

The development of the school law of late years has tended to lessen the number of districts. The boundaries may be changed at the April meeting of the township board upon petition of the citizens affected. The state laws and the rules and regulations of the State Superintendent of Public Instruction have been enforced by refusing state aid to those schools not complying with the regulations. This has been very effective, and has been particularly successful in inducing the schools to keep in session at least one hundred and ten days, and employ only such teachers as have passed examinations as given by the State or the County Superintendents. By this means even during the civil war period ninety-one per cent of the schools kept open at least six months of the year.(1)

At a comparatively early date(2) it was provided that districts having less than two thousand inhabitants might combine for school purposes and be governed by a board of education consisting of six members and three more for every additional 10,000 inhabitants. These board members were elected for three years, one-third going out each year, and they had power analagous to that of directors of a school district. In 1872 this provision was extended for the formation of Township High Schools.(3) Upon petition of not less than fifty voters of any school township, the Township Treasurer is directed to call an election to determine whether the township wishes to support a high school, and a majori-

(1) Illinois School Report, Vol. 5, p. 10; Vol. 7, p. 37.

(2) Laws of 1855, p. 61.

(3) Illinois School Report, 1872-4, p. 23.

ty vote decides. A Board of Education is elected having the powers of school directors, the members serving for three years. Two or more adjoining townships may combine for the erection and support of such a high school, or the township may be divided by the County Superintendent for the support of more than one township high school if the population warrants it and the voters desire it.(1)

## SCHOOLS IN COOK COUNTY.

In the early stages of school legislation in Illinois it was seen that the schools of Cook County needed to be administered on a different basis than those of the state at large. It was therefore enacted(2) that the voters in township 39 N., Range 14 E., in Cook County might elect six persons to be school inspectors to hold office for one year. These inspectors were to visit the school at least once a month, "enquire into its progress and government, examine teachers, and give certificates gratuitously, and attend the quarterly examinations of the scholars." They were to recommend to the County Commissioners of Cook County the establishment of such boundaries for the school districts as they thought proper, and were to make by-laws for the regulation of the schools, advise and direct what books should be used, and the courses of study. They might remove teachers for cause, and were to take charge of the school houses and have charge of the financial interests. These inspectors were further to require reports from the trustees each quarter, stating the number of schools in the district, the length of time they were taught, and the number

(1) Laws of 1905, p. 286. (2) Laws of 1835, p. 161.

of teachers and pupils. They w ere to have charge of apportioning the school funds and keep the records and report annually to the State Auditor.

The inspectors were required to report in the newspapers the condition of the schools. The voters of the township might repeal the rules made by the inspectors, and had the power to vote for the establishment of high schools. Three trustees of the common schools were to be elected in each district, who were to employ suitable teachers and see that the schools were free to white children, and that these had an opportunity to attend. They might levy taxes for the maintenance of the schools, and must make reports quarterly to the inspectors.

In 1839 the city council was given charge of the Chicago schools. It was to appoint annually seven inspectors and three trustees.(1) The school lands and funds were vested in the council, and it was given the power to raise money for building and maintaining school houses and for the payment of teachers. It might fix the pay for teachers, and determine the subjects to be taught. The schools without the city in the township were to enjoy the same benefits and advantages as those in the corporate limits.

Although Illinois was a free state before the Civil War, practically no advantages were given the colored children in an educational way. Some cities allowed them to attend school with the white children, and some provided separate schools for them; but the state law made no provision for their education. The school funds of the state which were distributed according to "population",

(1) Laws of 1839, Vol. 1, p. 215.

stated explicitly that this term should mean white children under twenty. The Superintendent of Public Instruction estimated that in 1868 there were 9,781 colored children in Illinois under twenty-one.(1) For these the law provided no means of education, but in order that the colored people might not be taxed for the support of an institution whose immediate benefits they did not enjoy, it was provided that taxes collected from them for school purposes should be returned. They were too widely separated, however, and the amount was too small to be put into practical use in educating them. The First Section of Article Eight of the Constitution adopted in 1870 states that "The General Assembly shall provide a thorough and efficient system of free schools, whereby all children of the state may receive a good common school education." This, of course, includes the colored children, and they are thus given equal advantages so far as the provisions of the state law extend.

## L I C E N S I N G  T E A C H E R S .

Among the first measures agitated for raising the standard of education in this state was of an examination by competent authorities of the qualifications of the teachers of the public schools. In December, 1840, Abraham Lincoln, as a member of the General Assembly, proposed that a commission on education be selected to enquire into the expediency of a law providing for the examination by state officials of those offering to teach in the schools, and that no part of the school fund should be paid teachers who had not passed such an examination.(2)

(1) Illinois School Reports, Vol. 7, p. 18.
(2) W. L. Pillsbury, "Early Education in Illinois." Illinois School Reports, Vol. 16, p. CXXXV.

No such bill was passed at this time, but within a few years laws were passed which accomplished the same purpose. The Peoria convention of 1844, of which we have spoken, in their request for a State Superintendant of Public Instruction named as one of his proposed duties the granting of teachers' certificates entitling the holder to teach any place in the state. This is the first mention we have of a teachers' certificate.(1)

Under the law of 1837 the trustees were given power to examine the teachers of their township or to create examining boards who should perform this function. Such an examination entitled one who passed it successfully to teach in that township but in no other. Seven years later, when the office of County Superintendant was created, this official was given the power of granting county teachers' certificates. This law was so strongly opposed that the next session of the legislature modified it so that the County Superintendant was compelled to grant a teacher a certificate at the request of the directors of a school district wishing to employ that teacher. This law was changed later so that teachers who could pass examinations but in certain subjects were given certificates to teach those subjects only. As more qualified teachers became available, the examiners were able to raise the qualifications.

In 1865 the State Superintendant was authorized to grant teachers certificates valid during the life of the holder.(2) Previously no certificates had been granted for a term longer than

(1) Pillsbury, op. cit.

(2) Laws of 1865, p. 120.

two years, (1) but this was thought to be a hardship on certain of the eminent educators of the state. These examinations were only given to those who had taught with success for three years, one year of which had been in the state. The examinations were comprehensive and given by a board of practical teachers. At first the graduates of the normal schools were given life certificates, but later these were changed to five year certificates, and since 1893 the practice has been discontinued. State certificates are revokable by the State Superintendant upon proof of immoral or unprofessional conduct, and the County Superintendant has the same privilege in regard to the certificates issued by his office. The board of directors of township high schools may require teachers to pass supplementary examinations. The law requiring all teachers of the state to have certificates has been enforced admirably by the regulations and laws that schools employing teachers without certificates should not receive their portion of the state funds.

The present trend in regard to the examination of teachers seems to be toward the adoption of the New York system, where the questions are made out by a state board of examiners, and the papers sent to them for grading. This, it would seem, is the next logical step for Illinois to take toward centralization in this field.

## COMPULSORY EDUCATION.

Compulsory education naturally followed the principle of free schools. Massachusetts was the first state to adopt this principle, and passed the first compulsory school law in the

(1) Laws of 1861, p. 190.

United States, in 1852.[1] In 1883 Illinois passed a compulsory school law, being the nineteenth state to take such action.[2] This was superseded by a more explicit and effective act in 1889.[3] In 1888 there were 1,118,472 children in the state between the ages of six and twenty-one. 751,349 of these were in the public schools, and 100,465 more in the private schools, leaving 266,658 who were receiving no education.[4] During the first year of the law's operation (1890), 10,000 children were brought to school in Chicago alone. The year ending in June,1890, gave an increase of twenty per cent over the entire state, twice the normal increase. The operation of this law is now carried on by the truant officers of the state, acting with the factory and mining inspectors.

## JOURNALS AND INSTITUTES.

In tracing the growth of centralized administrative government in education in Illinois, one cannot overlook the work accomplished by the educational periodicals of this section and period, and of the associations of teachers and educators which acted as co-laborers. One of the most important of the journals was the "Prairie Farmer," edited by John S. Wright in the early forties.[5] This periodical was instrumental in starting the agitation which resulted in the cration of the office of State Superintendent, and later, in the re-establishment of free schools.

(1) W. C. Webster, "Recent Centralizing Tendencies in State Educational Administration," Columbia Studies, Vol. VIII, p. 174.

(2) Laws of 1883, p. 167.

(3) Laws of 1889, p. 237.

(4) Illinois School Report, Vol. 18, p. LXXXIV.

(5) Pillsbury, op. cit.

The "Sangamon Society for the Promotion of Education," formed in 1837, published for a time the "Common School Advocate." In 1833 occurred a meeting in Vandalia which resulted in the formation of the "Illinois Institute of Education" and which aimed to compile such statistics and disseminate such information in regard to the public schools and to education in general, as is now accomplished by the office of the State Superintendent of Public Instruction and the Federal Commissioner of Education. Had it not been for this association and others of similar purpose, the development of the Illinois School system would have been greatly retarded.

## TEACHERS' INSTITUTES.

The lack of education and training among the teachers of the state, which was early felt, was instrumental in starting teachers' institutes in the various counties and later in the state as a whole. The first county teacher's meeting was held in Sangamon County in 1836. In 1856 the State Superintendent of Public Instruction reported that thirty-eight teachers' institutes which served, in a measure, as normal schools, had been conducted during the past year, and he reported that they were valuable not only for the training they gave the teachers, but for the influence they had upon the people at large in creating a sentiment favoring a better school system.(1) The school law authorized the boards of supervisors to encourage county institutes by appropriations from the county treasury. Additional funds were secured by a charge of one dollar for teachers' examinations and

(1) Illinois School Reports, Vol. II, p. 18.

by contributions from the teachers themselves. The institutes are licensed by the State Superintendent, but in all other respects the County Superintendent is the responsible head, and he determines the course of instruction and chooses the lecturers. Every teacher holding a county certificate is entitled to five days' instruction free, and teachers may attend five days during term time and are not subject to reductions of salary because of so doing.(1)

## HIGHER EDUCATION.

The first institutions for higher education established in Illinois were of a private character. Alton College was chartered in 1833, and shortly afterward Illinois, McKendree, Jonesboro, and Knox Colleges; Jacksonville Female, and Monticello Seminaries; Illinois Female Institute, Fayette County Manual Labor Seminary, and Rock Island University were granted charters.(2) But limited privileges were granted these early institutions. They were to hold but one section of land, and should more be acquired, by gift or other wise, they must dispose of it within three years. No professor of theology was to be employed as a teacher, and no theological departments were to be connected with the institutions. The charter of Jacksonville Female Seminary enabled it to hold but twelve acres of land. These provisions operated but a short time before they were repealed. The Thirteenth General Assembly exempted from taxes all land up to one hundred and sixty acres, if actually used, and all buildings,

(1) Law of 1887.

(2) Laws of 1835, p. 177, 178, 192. Laws of 1837, p. 17, 23.

libraries, and apparatus used for educational purposes.

## U N I V E R S I T Y  O F  I L L I N O I S .

In enumerating the sources of the funds provided for public education, we have spoken of the gift of two townships which the national government made to the state for the endowment of a university or seminary of learning. No attempt was made to establish such an institution until 1883, when a bill was introduced into the legislature looking toward the location of such a university at Springfield. This bill was defeated because of hostility to the location, Springfield at that time being a candidate for the state capital, and because of opposition by the colleges of the state, who feared the competition of such a richly endowed institution. There were those who favored a division of the funds so that normal schools might be established in each county rather than to have "one mammoth college." An attempt, made in 1857 to divide the money among the colleges, failed.

During the fifties an organization was formed called the "Industrial League of the State of Illinois", which subscribed to the following platform:

(a) That it is folly to require every student in our colleges, whatever his future calling, to study the ancient classics for graduation;

(b) We are convinced that even in the public schools the study of books too much excludes and prevents industrial training, equally essential to prepare children for life;

(c) We hope that a university especially dedicated to agriculture and the mechanical arts will develop both, and so add to the

material wealth of the state,

(d) We desire to dignify labor by imparting to the laborer a liberal, although not necessarily a classical, education.

In 1853 the "Industrial League of the State of Illinois" memorialized the legislature to appeal to Congress for funds for such an agricultural and mechanical college, and such action was taken by the legislature. "So far as is known, this is the earliest published record of attempts to inaugurate this beneficial social enterprise and marks the first organized movement toward the amelioration of the producing classes by proposing means for the scientific and higher education of the toiling masses."(1) Michigan had however asked aid of the government for her agricultural school in 1850. Other states joined in the petition and a bill granting these concessions was framed and passed Congress, only to be vetoed by President Buchanan.

In 1862 Congress passed the bill which has resulted in the creation of the "land grant colleges." Each state was given 30,000 acres, or its equivalent, for each senator and representative in Congress in 1860. This land was to be sold and the proceeds invested in bonds of the United States or of the state, or other safe bonds yielding five per cent on par value. This was to constitute a perpetual fund, the capital to remain undiminished and the interest to be devoted to the endowment, support and maintainance of at least one college where the leading subjects should be, not excluding scientific and classical studies and including military tactics, such branches of agricultural and me-

(1) Quoted from Illinois School Reports, Vol. 5.

chanical learning as the legislature should prescribe. No part of the fund or interest was to be used for the purchase or repair of buildings, and each state should establish such a college within five years. By this grant Illinois received 480,000 acres, valued at from three to four hundred thousand dollars. As President Buchanan had predicted, when he veto d the measure of 1858, such a large amount of land script thrown on the market at once depreciated the value, and the land in Illinois sold for about seventy cents an acre.

Illinois did not locate her university until 1867, and in the meantime New Hampshire, Vermont, Pennsylvania, New Jersey, Michigan and Wisconsin had allotted their government grant to existing institutions. Michigan and Pennsylvania to state agricultural colleges already in existance, New Hampshire to Dartmouth, New York to Cornell, Rhode Island to Brown, New Jersey to Rutger's College, Connecticut to Yale, and Wisconsin to the University of Wisconsin. Iowa, Minnesota and Massachusetts established separate colleges, the latter state however giving one third to the Boston Institute of Technology. Bids were called for from all cities desiring to have the university located within their limits, and the present site was finally chosen.

Until 1875 the University was managed by a Board of Trustees, consisting of five members from each of the three grand jury districts, one from each congressional district, the Governor of the state, the President of the State Board of Agriculture, the Superintendant of Public Instruction and the Regent of the University. This made thirty-two members, and thirty-five when the number

of congressmen was increased in 1870. This board was too large, and in 1873 it was changed to consist of the Governor of the state, the President of the State Board of Agriculture, the Superintendant of Public Instruction, and three citizens elected from each of the three judicial districts. In 1897 the College of Physicians and Surgeons, of Chicago, was affiliated with the University and placed under its management. By the system of examining the high schools of the state through a high school visitor, and maintaining an "accredited list" of the schools whose graduates may enter the university without taking examinations, the university exerts a strong influence over the secondary schools of the state.

## STATE NORMAL SCHOOLS.

One of the early difficulties which at times proved very serious was the inability to secure competant teachers. To solve the problem it was proposed that Normal Schools be established at various parts of the state for the training of teachers. Many looked forward to the time when a normal school should be located in each county. County normal schools were established in Cook, Peoria, and Bureau Counties in the sixties. In 1857 the Illinois State Normal was founded at Normal , in McLean County. This school is managed by the State Board of Education, consisting of the State Superintendant of Public Instruction and fourteen others.

The income of the college and seminary land funds are used for the support of this institution and of the Southern Illinois Normal.

This latter institution was established in Carbondale in 1869 for the benefit of the teachers and schools of the southern part of the state. It receives one-half of the proceeds of the seminary and college land fund, and additional allowances made by the legislature. It is governed by a board of trustees. Other State Normal Schools are the Eastern Normal School, established at Charleston in 1895, the Northern Illinois Normal, established at De Kalb in 1895, and the Western Illinois Normal, established at Macomb in 1899.

The road to a centralized administration of education in Illinois has proven to be a rather long one. Most of the advances which have been made have been the results of hard and consistent work by the friends of education in the state who desired efficient administration. There have been many backward steps, but the general tendency has been unmistakably forward. One of the chief obstacles has been the district system of schools, which came early in the history of public schools and still remains, although shorn of many of its most objectionable features. Fifty years ago the State Superintendent, in speaking of the system, thus described its difficulties: "The fact that 35,000 officers are required to operate the present law, the large majority of whom are unacquainted with its details, added to the inevitable differences of opinion between such officers, which naturally grows out of a joint jurisdiction, precludes the possibility of that systematic and harmonious action necessary to build up and perfect a common school system worthy of the State of Illinois. No state has ever succeeded in perfecting a free school system under

such a mongrel plan as the one under which we are now working in this state."(1) Whether or not Illinois ever abolishes the district system as some other states have done, the ease and rapidity of transportation promise soon to make the locally governed district school an institution of the past.

(1) Illinois School Reports, Vol. II.

## CHAPTER III.

## PUBLIC HEALTH.

There is, perhaps, no department of public administration which is so dependant for its success upon its organization and the extent of its jurisdiction as is that which is concerned with the administration of laws for the preservation of the public health. In order that a board or department of health be efficient, it must have a large amount of discretionary power, and we find, therefore, in the Board of Public Health and the other boards associated more or less closely with it, greater power than in any other of the administrative organs of the state. In the early history of Illinois a strong effort was made to limit the practice of medicine to those licensed by a board of examiners; but what laws were passed during the first decade, were not entirely satisfactory, and they were repealed and no further legislation enacted for fifty years.

Two years before Illinois became a state, a medical practice act was passed which divided the territory into two districts, one east and the other west of the meridian running north from the mouth of the Ohio River.(1) All physicians coming to the territory were examined by the resident physicians of either of these districts, who admitted them to practice at their discretion,upon the payment of a ten dollar fee. In its monopolistic features

(1) Laws of Territory for 1817, p. 21.

this system closely resembled the old trade guilds of Europe. This law was repealed when Illinois became a state. But four months after the state constitution was ratified, an act was passed for the establishment of a medical society for the examination of physicians and the regulation of medical practice,(1) and with the exceptions of Delaware, New York and Massachusetts, Illinois was the first state to take such action, and absolutely the first among the states of the interior.(2)

This law provided that the state should be divided into four medical districts in each of which there should be a board of physicians. All of these boards were to be bodies corporate, and the officers were to be elected for one year. This society was to examine all medical students and grant diplomas allowing them to practice in the state, upon the payment of a ten dollar fee. The diplomas of other states and of reputable medical schools were to be recognized. Any physician practicing without a diploma was debarred from collecting his fee in any court in the state, and any person who thought the charge of a physician exorbitant, might submit the case to the society and should this organization judge that the physician had collected more than he was entitled to, the excess charge must be returned. Each physician was required to keep a record of the births, deaths and diseases in his vicinity and re-

(1) Laws of 1819, p. 233.

(2) Report Illinois State Board of Health, Sept. 1906.

port to the President of the Society, who must publish them in a newspaper of the state.

This act was soon repealed and followed by another which provided that the state be divided into five districts and that the physicians of each district select one member of a board of censors, who were to constitute an examining board for the state. Any physician practicing without a license was not only debarred from collecting his bill in any court in the state, but was subject to a fine of twenty dollars which was to go to the support of the poor, and the overseers of the poor might sue the physicians to recover this fine. After one year this act was repealed and little was done by the state for the protection of the public health or to regulate the practice of physicians for half a century.

What efforts were made to suppress epidemics and to prevent the spread of disease were through the local boards of the towns and villages, and it was not until 1877 that the state again took up the matter and created the State Board of Health and passed an act to regulate the practice of medicine. By this time North Carolina, Kentucky, Nevada, Texas, California, and in the same year Alabama, had placed restrictions upon the practice of medicine within their borders.(1)

By the law of 1877, this board consists of seven members, appointed by the Governor for terms of seven years, and is charged with the supervision of the health and lives of the people of the state, has charge of matters of quarantine and sanitary investigation, and may make such rules from time to time as they deem

(1) Reports of Illinois State Board of Health, Vol. 9.

necessary for the preservation or improvement of the Public Health.[1] All police officers, sheriffs, local boards of health and other officials and employees of the state (including school teachers) are required to enforce these rules and regulations in so far as the success of the efforts made by the board may depend upon their official co-operation.

The Board of Health has supervision of the state system of registering births and deaths, and may make such rules and regulations as they deem necessary to secure a thoroughly efficient system. The custom is to require all physicians to register with their county clerk and report within thirty days all births and deaths which may have come under their supervision. The county clerks must keep records of all such returns and make annual reports to the State Board of Health.[2] The discretionary power given the board is very great, and they have exercised this power freely and as a result of the ruling which went into effect January 1, 1882 that no pupil should be admitted into any public school of the state from that time on who could not present satisfactory evidence of proper and successful vaccination, it was estimated by the board that the number unprotected from the disease of small pox dropped immediately from sixty nine per cent to less than six per cent; that the disease among school children lessened one third and the mortality ratedecreased from

(1) Hurd's Revised Statutes of Illinois, Chap. 126 a.

(2) Laws of 1907, p. 537.

sixteen and five-tenths per cent to three and three-tenths per cent. The Illinois Supreme Court has decided, however, that the Board of Health may not keep children away from school because of their failure to be vaccinated unless an epidemic of smallpox exists in the community.(1) In case the local boards of health fail to enforce the rules laid down by the state board, the state board may enforce its own rules, and the attendant expense must be borne by the city or village for which services were rendered; and all persons refusing to comply with the regulations are liable for heavy fines and penalties.(2) They further make such rules as they deem necessary to regulate the transportation of the dead.

About the time the State Board of Health was established, Illinois passed a medical practice act requiring each physician practicing in the state to secure a certificate from the State Board of Examiners or present a diploma showing that he had graduated from a medical school of good standing.(3) Power was given the board to annul certificates of physicians found guilty of unprofessional or immoral conduct, and,for a time, appeal lay to the Governor if any physician thought himself unjustly treated. The decision of the Governor was final.(4) Itinerant drug vendors are required to secure licenses, and nurses, mid-wives, and other practicianers of the art of healing must hold licenses from the state board before they are allowed to engage in their profession.

Among the first difficulties the board had to contend with in the enforcement of the medical act was the question of how to

(1) Potts vs. Green, 167 Ill. 67.

(2) Laws of 1907, p. 537.

(3) Laws of 1877, p. 156.

(4) Repealed by Medical Practice Act of 1905, p. 321.

deal with the "diploma mills" which would grant spurious diplomas to any who would buy them. In order to make the law effective, the board found it necessary to declare what requirements medical schools must meet in order to have their diplomas recognized. A list of accepted medical schools, not only of Illinois, but of the world, is kept, and the board has added from time to time to the requirements for entrance to,and graduation from, such schools as they maintain on their accredited list.(1) Thus the Board of Health not only places a standard of efficiency upon medical schools, but upon normal and secondary schools which may prepare students to enter medical colleges.

Power is given the board to issue licenses without examination and without fees to graduates of medical schools of good standing and who hold licenses in other states, countries or territories, if the medical regulations of those states, countries, or territories are judged by the board to be practically equivalent to the requirements in Illinois, and providing the states, countries, or territories in question grant like privileges to physicians of Illinois.(2) In compliance with this act, Illinois now has reciprocity with Iowa, Kansas, Maine, Maryland, Michigan, Nebraska, New Jersey, North Dakota, Ohio, South Carolina, Tennessee, Utah, Vermont, West Virginia, Wisconsin, and Wyoming.(3)

In connection with its work of maintaining sanitary conditions throughout the state, the board has accomplished a great

(1) Laws of 1907, p. 378.

(2) Laws of 1907, p. 287.

(3) Report of State Board of Health, April, 1907.

deal of good in investigating the source of water supply for cities and of the disposal of sewage and garbage. A chemical and bacteriological laboratory is conducted, where the water used in the cities of the state is analyzed free of charge. In 1884 was begun the State Sanitary Survey in order to secure better conditions of cleanliness, and chiefly to prevent the spread of Asiatic cholera. Through the co-operation of the city officials, the managers of railroads, superintendents of school, and health officers, examination was made of the conditions of the water supplies; the disposition of night soils, garbage, and sewage; the cleaning of the streets, alleys, and public places; the supervision of food supplies, including an examination of the conditions in markets and slaughter houses, and the general sanitation of every home. Special attention was also given to the conditions of the jails, almshouses, and other public buildings throughout the state.

The State Board of Health exercises a rather minute jurisdiction over the local boards of health. The latter are organized under four different systems:

I. The boards of health for cities, towns, and villages incorporated under special acts of the legislature. These special charters usually provide for the organization of the board, and state who shall constitute it and how they shall be appointed.

II. Boards of Health in cities and villages incorporated under the general law. It is named among the duties of the common council in the act for the incorporation of villages and towns, that they shall appoint a board of health and prescribe its powers

and duties, establish hospitals, abate nuisances and make all regulations necessary or expedient for the promotion of health and the suppression of disease.(1)

III. The boards of health of the townships; consisting of the Supervisor, the assessor and the town clerk.(2)

IV. In counties not organized into townships, the Board of County Commissioners acts as a Board of Health by virtue of its power to regulate the affairs for the interests of the county. These local officers must obey the rules and regulations of the state board in regard to the establishment of quarantine or other matters pertaining to the public health and the first case of small-pox, typhoid fever, Asiatic cholera, yellow fever or any other epidemic disease must be reported at once to the state board, and when such diseases exist in a community, reports must be submitted at least weekly of the progress of the epidemic. School superintendents, directors, trustees and teachers must also lend their aid for the enforcement of the regulations of the board. Besides its administerial duties the board works for the suppression of disease through publications which are sent over the state and are valuable as educational influences.

The value of centralized administration has been clearly demonstrated in the workings of this board. During the small-pox epidemic of 1880-82 this disease existed in seventy-seven of the one-hundred and two counties of the state. One of the first steps taken by the board was the issuance of the order compelling all school children to be vaccinated, and within twenty days after

(1) Laws of 1887, Art. V., Sec. 75-78.

(2) Revised Statutes, Chap. 139, Sec. 127.

the agencies of the board began to work, the disease had decreased fifty-nine per cent.(1)

The members of the board are allowed ten dollars per day when actually engaged in the business of the board, and further compensation for each examination paper graded. Their fees are paid out of the state treasury.(2)

Among other duties imposed upon the State Board of Health is the supervision of all lodging houses, boarding houses, and hotels in cities of the state of over 100,000 inhabitants, or, in other words, of Chicago. The landlord or proprietor must be registered, file with the County Clerk a plat of his hotel or lodging house, and give the maximum number of guests he has housed at one time. It is the duty of the Board of Health to see that the law in regard to the number of persons that may occupy a given space, is observed.(3) Through the power conferred by this law, the board has been instrumental in preventing sleeping in saloons, and has bettered the conditions in the tenement districts materially. Its power in this regard is confined to the investigation of matters of ventilation and construction, rather than the regulation of sanitary conditions.(4)

## D E N T I S T R Y .

Not long after the passage of the Medical Practice Act, a similar statute was enacted to regulate the practice of dentistry within the state.(5) No person is allowed to practice who has

(1) Report. Illinois State Board of Health. No. 5.

(2) Laws of 1907, p. 538.

(3) Laws of 1901, p. 304.

(4) Report of State Board of Health, Jan. 1907.

(5) Laws of 1881, Rev. Stat. c. 91, Sec. 35-44.

not a diploma from a reputable dental college, or has secured a license from the Board of Dental Examiners. This board consists of five practicing dentists appointed by the Governor for terms of five years, who conduct examinations and grant licenses to those qualified.(1) As has been the case with the State Board of Health, it has been necessary for the Board of Dental Examiners to decide what shall constitute a "reputable" dental college, and they therefore exert a strong influence toward establishing a higher standard of efficiency among these institutions. The only funds provided the board are such as are collected through license fees.

## PHARMACY.

A similar body, known as the State Board of Pharmacy, was created in 1881, consisting of five members appointed by the Governor for terms of five years.(2) Each member must be a registered pharmacist of the state, of ten years' experience. This board examines all applicants and issues certificates to such as are entitled to them, prosecutes violations of the Pharmacy Act, and makes annual reports to the Governor and the Illinois Pharmaceutical Association. No applicant may become registered without taking an examination, and the expenses of the board are met by the fees and penalties collected.

## FOOD COMMISSION.

Another board, closely allied with the State Board of Health, is the Food Commission. The need for the services of such a body was felt early in the history of Illinois, just as was the need

(1) Laws of 1905, p. 319. (2) Laws of 1881, p. 119. (Laws of 1907, p. 379.

of a Board of Medical Examiners, and the laws of the territory of Illinois provided for the inspection of such articles as beef, flour, and tobacco. This inspection was dependant upon the wish of the owner of the produce. The territory provided the inspector, but he gave his services only at the request and at the expense of the owner of the goods. State inspection began with the act of the General Assembly of 1869, providing that no injurious material be used in the making of candies,(1) and violation of this act was made a criminal offence. Nearly every General Assembly, from this time on, took some action for the betterment of the food supply of the state. The sale of milk was regulated, and laws passed to prevent the adulteration of butter and cheese, and to secure the manufacture of these articles on a more sanitary scale.(2) Nearly every legislature since has made some provision for regulating the sale and manufacture of impure articles of food and drink.

The Food Commission was created in 1899, and consists of one commissioner, appointed by the Governor, and such assistant analysts and inspectors as are necessary to carry out the provisions of the law.(3) The commissioner, or his assistants, may inspect any article of food produced or offered for sale within the state which he has reason to suspect is impure or adulterated, and he may examine such articles of food to ascertain whether they be impure. (4) The commissioner must be a resident of Illinois, and his appointment is for four years. Associated with him is a Food

(1) Laws of 1869, p. 113.

(2) Laws of 1879, p. 111, Laws of 1881, p. 75.

(3) Laws of 1899. (4) Laws of 1907, p. 543.

Standard Commission, consisting of three members, which determines standards of quality, purity, and strength of the food products of Illinois.

One of the three members of the State Food Commission is the State Food Commissioner; a second is a representative of the Illinois food manufacturing industries; and a third must be an expert chemist of known reputation. The commissioner is paid a salary, and the other members of the commission receive per diem compensation. The commissioner may appoint, with the advice and consent of the Governor, a practical dairyman, a chief chemist, state analyst, an attorney, and such other officials as are needed and prescribed by law. The commissioner and his inspectors must be given access when they have reason to believe goods are kept contrary to law; may open any packages and take samples for analysis to see whether the goods are of a nature whose sale or manufacture is forbidden by law. Goods taken for analysis are paid for by the commission, and when any are found impure or adulterated, the persons guilty of offering them for sale, or of producing them, are entitled to a hearing before the commission before being prosecuted. Opportunity is also given them to verify the findings of the State Analyst. About one-third of the food analyzed has been found to be adulterated, and those found guilty of producing or selling this food have been prosecuted.

As Illinois ranks as the first dairy state in the Union, among the chief services performed by the board has been the investigation of the milk supply. The law of 1907 was framed so that the State Commission might work in harmony with the National Commission of the Bureau of Animal Industry.

## L A B O R.

There are few fields of state activity more essential to the general good of the community than that of administering laws enacted for the amelioration of the conditions of the laboring classes, and to protect them from dangerous machinery, from the oppression of selfish and powerful employers, and to prevent their working in dangerous or unsanitary places, or from continuing at work unreasonably long. Prior to 1850 there were no manufacturing plants to speak of in Illinois; the industry of the state was directed along agricultural lines. But one and four-tenths per cent of the population was engaged in manufacturing pursuits, and with the exception of the LaSalle Black Laws of 1863, which punished by fine or imprisonment persons conspiring to influence employees to cease work in any manufactory or coal mine of the state,(1) nothing of moment was done in the way of labor legislation before 1870, when the number of employees engaged in manufacturing pursuits had increased to thirty-three per cent. By this time it was evident that Illinois would take a position among the foremost states of the Union in the production of manufactured goods. Throughout the seventies there was more or less agitation for better factory laws as the number of industries and trade unions increased. The agitation grew, with the return of prosperity after the depression of 1873.

In 1879 the "Trade and Labor Council", composed of twenty-two trades and labor unions, and claiming to represent the "entire working people of the state", succeeded in getting a resolution

(1) Illinois Labor Statistics, Vol. 1, p. 8.

passed by the House of Representatives which resulted in the speaker's appointing a commission of five, to which two others were later added, to go to Chicago and Braidwood to get such information as should be needed to enable the House to pass legislation to ameliorate the condition of the working people of the state. The appointment of this commission marks the beginning of factory legislation in Illinois, and of the campaign for more healthful conditions, which has been carried on by the boards, commissions, and inspectors ever since.

At that same session of the General Assembly, the State Board of Labor Statistics was created.(1) This board consists of five members, appointed by the Governor for terms of two years and called Commissioners of Labor. Three of the members of the commission must be manual laborers, and two representatives of the employing and manufacturing interests. The work of preparing the reports of the commissioners and compiling the statistics is performed by a secretary, who is not a member of the board. The duty imposed on them was that of "collecting, assorting, systematizing, and presenting in biennial reports to the General Assembly, statistical details relating to all departments of labor in the state, especially in relation to the commercial, industrial, social, educational, and sanitary conditions of the laboring classes, and to the permanent prosperity of the manufacturing and productive industries of the state." They were, however, given but little power, and only a small appropriation was made for their work. A great deal of good was done in an educational way.

(1) Laws of 1879, p. 61.

The statistics prepared by the board, and the facts regarding labor conditions throughout the state have been used as a basis for what legislation has subsequently been enacted.

The reports of the State Bureau of Labor Statistics, from the first, dwelt at length upon the conditions of those working in the mines, particularly the soft coal mines, of the state. Investigation of some of the mining settlements showed conditions disgraceful to any civilization. That the mining industry was of great and growing importance had been recognized by the framers of the constitution, and one of the first committees to be organized in the constitutional convention was one on "Mines and Mining", and an article was incorporated requiring the General Assembly to enact statutes for the protection of those engaged in mining.(1)

The first General Assembly meeting under the new constitution provided for the inspection of mines (employing ten or more men) to be conducted through county agencies.(2) The county surveyors were to constitute, ex officio, the inspectors of the mines of their respective counties, and were to see that necessary precaution was taken to ensure the health and safety of the workmen, and that the provisions of the law, and the penalties for disobedience, were enforced. These county surveyors might call to their aid some reputable miner, and the expense of mine inspection was to be borne by the county and paid out of the county treasury. It was the duty of these inspectors to report to the Governor the number of workable mines in their respective

(1) Constitution of Illinois, Art. IV, Sec. 29.

(2) Laws of 1872, p. 568.

counties, the thickness of the coal beds, their distance below the surface, the number of mines operated and of miners employed, and what facilities were provided for the protection of the lives and health of the miners. They were to report the accidents which occurred, and to make such recommendations as they thought fit. For the performance of these duties, they were given power to enter and inspect any mine at any reasonable time, and the owner was required to furnish such men and facilities as should be necessary for such inspection. Should any owner or operator refuse to allow the inspector to fulfill his duties, the inspector might get an order from the circuit judge; and should admission still be refused, the operator or owner might be held for contempt of court. If the inspector found the mine unsafe or conducted contrary to law, he might prohibit its being worked until it had been made safe; and he might proceed against the owner for violation of the law. Each year the mine owners must make a map of their mine, indicating what shafts and veins had been abandoned, and file them with the inspector. Should he fail to do this, the inspector might make such a map at the expense of the owner.

The law further provided that the engineers must be"competant, experienced, and sober", that the boilers be inspected by a "competent boiler maker or other qualified person" every six months and the result of the inspection certified in writing to the county inspector. These inspectors were men chosen by the owners or operators. When accidents occurred entailing personal injury, the person in charge of the mine must at once notify the inspector, and if any one was killed, the coroner and the inspect-

or must investigate the cause of the accident and make a record of it. For this investigation the inspector might compell the attendance of witnesses, and might administer oaths, and the costs were to be borne by the county. Women and children were forbidden to work in the mines.

The operation of this law furnishes an illustration of the inefficiency of an inspection system locally administered. The inspectors were, in most cases, incompetant to perform the duties imposed upon them, and the system was but little better by reason of the provision that the county surveyor might be assisted in the inspection by some "reputable miner." These officials and their assistants were local, and the pressure which might be brought to bear upon them by wealthy or influential mine owners or operators was often great enough to prevent an unbiased and efficient enforcement of the law. Their duties as mine inspectors were secondary, and the work suffered as a consequence.

In 1877 (1) an attempt was made to remedy these defects, and it was made the duty of the County Board of Commissioners in every county in which mining was done, to appoint one inspector of mines for their county, and fix and pay his salary on a per diem basis. He must be some one who had lived in the county one year, must give a bond to insure the fulfillment of his duties, take an oath of office and prove that he had had sufficient practical experience in mining to be able to inspect intelligently, and that he was not "interested in any mine."

In some respects this law was an improvement upon the one it superceded, but in others it was still less efficient. In

(1) Laws of 1877, p. 141.

theory, this law provided for more intelligent inspection, but the inspectors were granted, as a rule, too little time and funds to make adequate investigations, and many of them were incompetant. Some of the counties considered the appointment of inspectors as an optional matter, and five counties who put out an aggregate of 125,200 tons of coal per year appointed no inspectors.(1) This defect was remedied, in a measure, by the provision in the law of 1879 that when the County Commissioners refused to appoint a competant and experienced inspector, or when the inspector failed to perform his duty, the circuit judge might, upon the request of ten citizens of the county, remove an incompetent inspector and appoint a competent one for the unexpired term.(2) The inspectors were generally miners, dependant upon their trade for their livelihood, and feared to return an adverse report lest they should lose their employment. The expense of the system was too great. The Commissioners of Labor in 1881 estimated that Illinois was paying $5,129.50 for the inspection of her 639 mines by twenty-nine inspectors, while Ohio, with her state service, was getting more efficient work done for $3,200, and Pennsylvania at a price per mine far below that paid in Illinois.(3)

Largely through the efforts of the miners and operators of the state, a system of state inspection was finally adopted, modelled after the Pennsylvania system. The state was divided into seven districts, and inspectors were appointed for each district and paid by the state.(4) These inspectors must pass an examina-

(1) Report of Ill. Bureau of Labor Statistics, Vol. II, p. 107.
(2) Laws of 1879, p. 209.
(3) Bureau of Labor Statistics No. 2, p. 111.
(4) Hurd's Revised Statutes of Illinois, Chap . 93, p. 1088.

tion given by a Board of Examiners consisting of five members: two operators, two miners, and one mining engineer, who were selected by the Board of Labor Statistics. This board was to recommend candidates to the Governor, who was to make appointments from the list of those recommended. Ás it is the practice to recommend but the five graded highest, this board is practically removed from the domain of politics. Appointments are for one year. The good effects of this law were soon apparent. During the first year a great deal was done to enforce the laws forbidding the employment of boys under fourteen under ground, and requiring escape shafts and safety appliances. Many mines not complying with the regulations were closed.

Amendments which have been subsequently made, provide for the examination of mine examiners, managers, and hoisting engineers, and none may hold their positions without certificates of qualification from the State Board, and the Board may cancel any certificate upon satisfactory evidence of intemperance, incapacity, or abuse of authority. The state is now divided into nine districts instead of five, and the counties are still authorized to appoint local inspectors to co-operate with the state officials.

State inspection of factories and industries other than mines was not secured until 1893, when a corps of factory inspectors was organized to enforce the statutes which that General Assembly and previous ones had enacted to secure a more sanitary output and to enforce the statutes against the employment of children, or of the employment of adults under dangerous or

(1) Laws for 1891, p. 167; 1895, p. 252; 1899.

unhealthy conditions.[1] The corps of inspectors was to consist of a chief inspector, an assistant, and ten deputies. Special attention was to be given by the inspectors to the matter of sweat-shop labor and the enforcement of the law forbidding the manufacture of garments, cigars, feathers, or any such articles in sleeping apartments. Every person conducting a workshop was required to notify the Board of Health, and describe the nature of his work, and state the number of persons he employed. Should the Board of Health or the State Factory Inspector find contagious disease in any workshop, or the shop in an unhealthy condition, or the clothing or material unfit for use, they might issue such orders as the public health might require, and might condemn and destroy such articles as were infected.

The same power was given the inspector and the board to seize and destroy articles shipped from without the state.

The law of 1893, while marking a great advance, was defective in limiting too closely the field of inspection of the state officials. This was remedied to a great extent in 1897, when laundries, offices, and mercantile establishments were added to the list of institutions subject to inspection. The chief value of this addition was the opportunity it gave the inspector to enforce the child labor laws. The board still was without a needed power to inspect bakeries, confectionary establishments, and like industries, but with the appointment of the State Food Commission in 1899, this defect was less apparent.

Considerable legislation was passed during the year of 1897

(1) Laws of 1893, p. 99.

with a view of protecting workmen employed at dangerous machines and in dangerous places. The manufacturers must also report to the State Factory Inspector, upon blanks especially furnished for the purpose, all the serious injuries occurring in their establishments. In 1902 eight deputies were added to the corps of factory inspectors, making the total number of deputy inspectors eighteen, of whom seven are women. Five of the inspectors work throughout the state outside of Cook County. The force is still inadequate, but a marked improvement has been brought about through the addition to the force. The number of inspections has been tripled, and the amount of child labor reduced one-third.[1]

The position Illinois holds in regard to child labor, while not all that could be desired, is in advance of most states, and one of the chief reasons for this has been the efforts of the state inspectors to secure needed legislation and to enforce the statutes which have been enacted. The enforcement of the child labor law has been one of the most difficult of the tasks of the inspectors. The law of 1897 forbids the employment of persons under sixteen for more than ten hours in one day, but the adequate enforcement of the law is practically impossible, owing to the failure which has attended the efforts of the inspector to secure legislation making night work by children illegal. Much has been accomplished in stopping the employment of children in dance halls and theatres, and their use as messengers to places of ill repute, and in the reduction of the number of their hours.

(1) Reports State Bureau Labor Statistics, Nos. 11, 12.

The co-operation of the State Factory Inspector and the Mine Inspectors with the School Boards has led to much improvement in the enforcement of the laws against child labor and of the school truance laws. All employers hiring children must keep a public list of those under sixteen and the children must have a certificate from the Superintendant of Schools and be registered with him.

In regard to the protection of workmen, Illinois is somewhat backward. The state has reached its position among the industrial states but recently, and the development of her industries has been very rapid. More stringent laws should be passed requiring safeguards on machinery, larger appropriations for inspection are needed, and the system of inspection of sweat-shops needs to be revised. At present, the law requires the wholesaler to keep a list of shops in his employ and produce this list at the request of the inspector. Each contractor must register with the Board of Health. The work is done largely at the homes of the workers, and their abode is unstable, and the fact that they speak, as a rule, foreign languages makes adequate inspection difficult.

## EXAMINATION OF ARCHITECTS.

Another state board which is concerned with the preservation of the public safety and welfare is the State Board of Examiners of Architects. This board was organized in 1897 for the examining and licensing of architects wishing to practice in the state, and for the punishment of architects who practice in the state without licenses.(1) The board consists of five members, and is

(1) Laws of 1897, p. 81.

appointed by the Governor for terms of four years. Their income is derived from licenses and renewal fees. Since the law went into effect, there has been no case reported of loss of life because of the incompetance or neglect of an architect.(1)

## RAILROAD AND WAREHOUSE COMMISSION.

The Railroad and Warehouse Commission, which was organized as early as 1871, is given a large amount of police power for the protection of the public from dangerous construction and appliances used in connection with the railroads of the state.(2) This commission has general supervision over the railroads, and is required to make inspection of the roads to determine whether the bridges, trestles, and tracks are safe, and whether their recommendations are complied with . They are required to prescribe the place and manner in which one road shall cross another, and make such regulations as may be necessary to minimize the dangers of such crossings. They are required to investigate the causes of all railroad accidents resulting in loss of life or injury, and make reports of them to the Governor. They must investigate complaints of exorbitant charges or of unjust discrimination, and may prescribe reasonable maximum charges. Every railroad doing business or incorporated in the state must file a comprehensive annual report with the commission, and, if necessary, allow their books and records to be examined to verify their report. They also have jurisdiction over the public warehouses of the state, and must enforce the laws relating to their management so as to insure the health and convenience of those who use them. They inspect all grain, and establish proper

(1) Blue Book of Illinois, 1905, p. 527.
(2) Hurd's Revised Statutes of Illinois, Chap. 114, Sec. 167.

standards.

## L I V E S T O C K C O M M I S S I O N .

Less than a decade after the establishment of the State Board of Health, a similar board was created to prevent the spread of contagious diseases among domestic animals, particularly cattle and horses. While the purpose of this board, at the time of its establishment, was the protection of the live stock of the state, in the development of its powers it has come to exercise an important function in the preservation of the public health; not only because the presence of disease in animals is often injurious to the health of a community, but because of the more direct danger which is caused by the slaughter of diseased animals, and of their use for food, and of the use of the milk of diseased cows.

Over fifty per cent of the cattle, hogs, and sheep of the country and over sixty percent of the horses are shipped through Illinois.

In 1881 the office of State Veterinarian was created to "investigate all cases of contagious or infectious diseases of bovine animals"; to provide for the quarantine and killing of animals diseased; in case of an epidemic, the prohibition of the importation of animals from infected localities; and for the payment of claims for animals slaughtered in an attempt to stay an epidemic.(1) During the eighties there was a great deal of fever and disease prevalent among the cattle of the state, and the next General Assembly extended the provisions of the act of 1881 that

(1) Laws of 1881, p. 6.

they might cover equines.

The Thirty-fourth General Assembly created the State Board of Live Stock Commissioners, and gave them full power to deal with the contagious and infectious diseases of animals, and placed the office of State Veterinarian in their charge.(1) The board was to consist of three practical stock breeders appointed by the Governor for terms of three years. They, or their agents, were required to examine all animals supposing to have contagious diseases, and they might establish quarantine or order the diseased animals killed, the barns or sheds,in which they had been kept, razed, and their owners compensated. Upon the advice of the board, the Governor was directed to declare quarantine against certain parts of the country where disease among cattle was prevalent, and common carriers and others were to be subject to severe penalties for violation of these quarantine regulations. The Governor was to appoint a State Veterinarian to carry out the provisions of this act, the veterinarian and his assistants as well as the commissioners receiving per diem compensations for their services.

The creation of this board was largely an emergency measure. A dangerous and expensive plague existed, and quick and effective measures were necessary to suppress it. A highly centralized system of administering the state law was the only efficient measure of suppressing the contagion, and the ends justified the means.

In 1903 a Veterinary Practice Act was passed, requiring all

(1) Hurd's Revised Statutes of Illinois, Chap. 8, Secs. 47-61.

veterinaries practicing in the state to be provided with a license issued by a Board of Veterinary Examiners named by the Board of Live Stock Commissioners and serving at their pleasure.(1) These examiners were to be interested in no particular veterinary college, and as they recognize diplomas from colleges of good standing, they act as does the State Board of Health and the State Board of Dental Examiners in maintaining a higher standard among the schools of their profession.

The Board of Live Stock Commissioners, co-operates with the Federal Bureau of Animal Industry which has power to quarantine animals to prevent their shipment into other states, and with their representatives at the stock yards in Chicago and other large cities of the state they are able to work efficiently to conserve the public health, not only of this commonwealth, but of the entire country.

(1) Laws of 1903, p. 6.

## CHAPTER IV.

## MISCELLANEOUS BOARDS AND COMMISSIONS.

In addition to the boards whose powers have been described in the preceeding chapters, there are a number of commissions and boards whose autonomy is not so great. In some cases this is because the nature of the matters in their charge are such that highly centralized administration is not essential or particularly advantageous; others are of recent origin and have not yet been given sufficient power to enable them to work to the best advantage. An example of this latter sort is the State Highway Commission, which was established by the forty-fourth General Assembly.(1)

This commission is composed of three members, appointed by the Governor, two from the political party casting the highest number of votes at the last preceding general election, and the third from the party casting the second largest number of votes. The terms of the members are two years, and while they are allowed necessary expenses when engaged in the service of the state, no other remuneration is granted them. Their primary duty is to conduct investigations as to the methods of road construction adaptable to the highways of the various parts of the state. Authorities of the counties, villages, cities, and townships may

(1) Report of Illinois Highway Commission, No. 1.

consult them as to the best methods of building and maintaining roads and bridges, and must, upon request of the commission, furnish detailed information concerning the conditions of the highways under their jurisdiction and of the expenditures which have been made for their betterment. The commission appoints a State Highway Engineer and a Secretary, and has pursued the policy of shipping crushed stone from the penitentiaries to the local authorities as long as there is a supply of that material.

The method of road administration in Illinois has been to place the care of the highways with the local authorities, most of the work being done by the townships. The township is divided into three divisions, and one of the three road commissioners placed in charge of each division. In some localities the old method of working out the road tax is still used, but it has proved inefficient and expensive. The total cost of road and bridge building and repair in Illinois in 1905 was $4,625,365, and the commission estimates that half of this sum was wasted.(1) It is believed that the commission will, through a campaign of education, be able to reduce this waste materially.

## FISH AND GAME COMMISSIONS.

Two commissions of an earlier establishment are the Fish Commission and the office of State Game Warden. In the fishing industry, Illinois ranks among the foremost of the states, and in order that this industry might be preserved, the State Board of Fish Commissioners was created in 1879, consisting of three members, appointed by the Governor for terms of three years. The primary

(1) Report of Illinois State Highway Commission, No. 1.

object for which the board was created was the establishment of hatcheries for the propagation of native fish, and for the introduction of new varieties into the state. Much of this work has been done in colaboration with the Bureau of Fisheries of the National Government. Since the establishment of the commission, they have been given charge of the enforcement of the laws for the protection of the fish and to prevent the illegal catching, selling,or shipping of fish. They are further empowered to see that the laws are enforced for providing runways when the streams are dammed, and to seize illegal fishing devices. The work of the commission has aided materially the fish industry of the state, but more power is needed to insure the observance of the laws against illegal fishing.

A similar organization protects the game of the state. In 1885 the office of State Game Warden was created, and three wardens were appointed by the Governor to enforce the laws forbidding the killing of game in the closed season.(1) The official at present in charge of this function is called the State Game Commissioner, and he is appointed by the Governor.(2) Ten wardens are appointed by the commissioner, who are each in charge of allotted districts of the state. The commission is self-supporting, as the receipts from the licenses and from fines are sufficient to meet the expenses of the office. During the last few years the efforts of the department have been directed toward the importation and raising of game.

(1) Laws of 1885, p. 205.

(2) Laws of 1903, p. 211.

## I N S U R A N C E .

The supervision of insurance companies and building and loan associations has been recognized as an important state function ever since these organizations began to operate in the state. As early as 1841 an act passed the General Assembly which required agents of foreign companies to procure licenses from the State Treasurer.(1) The next General Assembly changed the law so that agents of foreign companies, acting through the county commissioner's court, must register upon accepting such agencies and pay to the State Treasurer, through the county authorities, three per cent of the premiums charged on policies written.(2) The next step was to require reports of the companies' business to be filed each year with the Auditor of Public Accounts, and the act of 1869 required the incorporation of insurancecompanies doing business within the state, and their organization and regulation was provided for.(3) In 1893 the Insurance Department was created and charged with the administration of the insurance laws of the state and of the supervision of the companies.(4) The department must examine and approve of the charters and general condition of all companies operating within the state. They have charge of the publication of their annual statements and the collection of fees. The chief of the department is the Superintendant, who is appointed by the Governor.

(1) Laws of 1841, p. 180.

(2) Laws of 1843, p. 165.

(3) Laws of 1869, p. 229.

(4) Laws of 1893, p. 107.

A similar supervision is given the building and loan associations, both those incorporated within the state and foreign ones, and provision is made for a thorough examination of their books and records. There is no separate department or bureau for this inspection, but the administration of the law is conducted through the Secretary of State and the State Auditor.

## S T A T E  C H A R I T I E S .

In the case of the dependents of the state, the paupers, the insane, and those physically defective, Illinois is in need of a strong, centrally administered organization with power to act. The question of caring for these wards has been an ever present one. The First General Assembly passed an act for the relief of the poor, intended to be penal as much as charitable.(1) The County Commissioners were to appoint two overseers of the poor for each township, who were to sellto the highest bidder, for one year, the office of "Farmer of the Poor", and the expenses of caring for these unfortunates was to be borne by the county. That the measure was partly intended to diminish the number of dependents in the state by making their lot an unpleasant one, is evidenced by the provision in the act placing heavy penalties on any who aided destitute strangers without notifying the overseers. Subsequent laws tended somewhat to ameliorate the condition of the poor, and in 1827 the positions of township overseers were abolished and their duties placed on the County Commissioners; but aid was to be given only upon proof that the dependent had

(1) Laws of 1819, p. 127.

for a given period been a resident of the state, and it was made a criminal offence to bring a pauper into the county.(1) More humane laws followed, and the time of residence necessary to secure aid was lessened, and their charge given by the justice of the peace to "some moral and discreet householder", and later the counties were authorized to purchase farms and erect county poor-houses to be supported by a tax of not over one-fourth per cent.(2) The care of the poor has always been a county matter in Illinois, and at present all but four of the one hundred and two counties of the state have poor-farms.

The care of the physically and mentally defective has been regarded as primarily a state matter, and early agitation caused the separation of those dependant upon charity because of physical or mental defects, and of those classed generally as paupers. In 1839 the legislature provided for the establishment of an institution for the education of the deaf and dumb, and other institutions especially fitted to care for the dependents were soon provided for. In 1869 the Board of Public Charities was organized, to which was given the power of investigating the institutions of the state and the counties and reporting on their condition and management. At the same time, the number of members of the boards of the various institutions was diminished.(3) The Board of Public Charities consists of five members, appointed by the Governor for terms of five years. No salary is attached

(1) Laws of 1821, p. 100; 1827; 1833.

(2) Laws of 1839, p. 138; 1841, p. 190.

(3) Laws of 1869, p. 63.

to the office, and the members of the board must not be interested in any contract with any of the institutions subject to their investigation.

While the board is granted almost unlimited power of inspection, they are given practically none in the way of administration. Their field of inspection covers,

(a) The public institutions owned and controlled by the state, except the penitentiaries and educational institutions.

(b) Institutions not owned by the state, but receiving a part of their income from the state treasury.

(c) City and county almshouses;

(d) Other places where insane are confined, i.e. county jails and private asylums. There are now among the institutions subject to the examination of this board, various asylums for the insane, the blind, the daaf and dumb, the feeble minded, soldiers' orphans, and soldiers' widows. When the board was created, in 1869, Massachusetts and New York were about the only states which had established such systems of inspection, and Illinois was among the first of the states to pass legislation for the betterment of the defectives. Since then, however, the other states have progressed faster than has Illinois, and there is at present a strong movement on foot to adopt the method of caring for these state wards through one central administration board with greater power. The agitation for a board of this sort comes largely as a result of the investigation of the committee of the legislature, which has examined the asylums of the state during the past winter and spring (1908). The New York, Iowa, and Wisconsin systems

have been examined, and, undoubtedly, within a very short time another administration board will be created in Illinois with power commensurate with the necessities of the case.

## C O N C L U S I O N

The development of a centralized administration, operating through boards and commissions, has been opposed in some quarters on the grounds that it, in effect, establishes a fourth department of government which is not executive, legislative, or judicial, although embodying elements of each; that it is bureaucratic and responsible to neighte the legislature nor the people.(1) It gives the Governor considerable power of appointment, but does not give the correlative power of removal for failure to perform its duties.(2) In the absence of constitutional or statutory provisions, the Governor has no power of removal even if the term of office is not fixed by the legislature,(3) and the powers of the boards, as to matter of fact, are not subject to review by the courts.(4) It has not, however, been the experience of Illinois or of the other states where a strong, centralized administration has developed, that this power has been abused; and while the authority of the local officials has been somewhat lessened, personal freedom has never been seriously threatened, and there has been a marked advance in governmental efficiency. Systems

(1) F. H. White: "State Boards and Commissions", Pol. Sci. Quarterly, Vol. XVIII, p. 631.

(2) (The Constitution or the statutes often provide, however, that the Governor may remove from office for malfeasance, negligence, or abuse of authority.

(3) Field vs. People, 3 Ill. pp. 79, 84.

(4) People vs. Dental Examiners, 110 Ill. 180.

of administration, adequate a generation ago, must now be adapted to suit present needs. The growth of industry, the increase of population, and better facilities for transportation have created conditions of interdependence. The failure of one locality to observe laws may operate to the injury of the whole, and in those fields the need of centralized administration with power is apparent.

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